

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD R. HAYNES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:23-165
)	Judge Nora Barry Fischer
)	Magistrate Judge Patricia L. Dodge
S.C.I. HOUTZDALE, DEPT. OF)	
CORRECTIONS, et al.)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 20th day of December, 2024, upon consideration of the Report and Recommendation of United States Magistrate Judge Patricia L. Dodge dated May 7, 2024, (Docket No. 18), recommending that Plaintiff Donald R. Haynes' Complaint be dismissed, with prejudice, for failure to prosecute and failure to comply with Court Orders, after conducting a detailed analysis of all of the relevant factors under *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), and ordering that any objections be filed within 14 days such that objections were due from non-ECF users like Plaintiff by May 21, 2024, and no objections having been filed by the date of this Order, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of May 7, 2024, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Complaint (Docket No. 13) is DISMISSED, with prejudice, for failure to prosecute, in light of the facts and circumstances of this case and the relevant factors under *Poulis* set forth by the Magistrate Judge, including, among other things, that Plaintiff has taken no action with respect to this case since September 25, 2023, did not alert the Court that he was released from SCI Houtzdale and has not responded to any orders entered by the Court which were mailed to the forwarding address he provided to that institution prior to

his release, and such facts are further buttressed by Plaintiff's failure to file objections to the Report and Recommendation of May 21, 2024 by the established deadline nor in the many months through the date of this Order;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Patricia L. Dodge

All counsel of record.

cc: Donald R. Haynes
121 S. 11th St.
Lebanon, PA 17042
(via first class mail)